

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WILLIE L. SEAMSTER, )  
                          )  
Petitioner,           )  
                          )  
-vs-                   )      Case No. CIV-12-42-F  
                          )  
JUSTIN JONES,         )  
                          )  
Respondent.           )

**ORDER**

United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation on April 23, 2012 (doc. no. 13), recommending the court deny petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

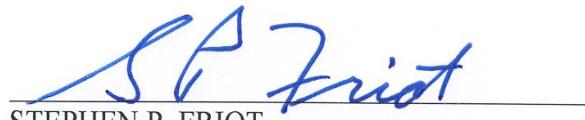
Presently before the court is petitioner's objection to the Report and Recommendation. In accordance with 28 U.S.C. 636(b)(1), the court has conducted a *de novo* review of the portion of the Report and Recommendation to which specific objection has been made. Having done so, the court concurs with the analysis and determination of Magistrate Judge Bacharach. The court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach (doc. no. 13) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is **DENIED**.

Petitioner is entitled to a certificate of appealability only upon making a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). This standard is satisfied by demonstrating that the issues movant seeks to raise are debatable among jurists, subject to different resolution on appeal or deserve further

proceedings. *See, Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)). The court incorporates the deferential standard of 28 U.S.C. § 2254(d) into its consideration of the issuance of a certificate of appealability. *Dockins v. Hines*, 374 F.3d 935, 938 (10<sup>th</sup> Cir. 2004). Upon review, the court concludes that petitioner has not made the requisite showing. Consequently, a certificate of appealability is **DENIED**.

DATED May 29, 2012.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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